

CHAPTER NO. 659

SENATE BILL NO. 2257

By Springer

Substituted for: House Bill No. 2284

By Tidwell, Arriola

AN ACT To amend Tennessee Code Annotated, Title 69, Chapter 3, relative to stream bank erosion.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 69-3-107, is amended by adding the following as a new subdivision thereto:

() Prepare a written report on stream bank erosion in Tennessee to be delivered to each member of the General Assembly by January 15, 2000. Such report shall contain the following:

(A) An examination of the causes of stream bank erosion;

(B) The effectiveness of existing and new methods of bank protection;

(C) An assessment of stream bank erosion in Tennessee; and

(D) Any other matter the commissioner deems relevant to stream bank erosion which may be of concern to the General Assembly.

SECTION 2. Tennessee Code Annotated, Section 69-3-107, is amended by adding the following as new subdivisions:

() Conduct, or cause to be conducted, demonstration project(s), to the extent of available funds, of methods of bank stabilization and debris removal in streams in western Middle Tennessee to be done as soon as is practicable and a report shall be made back to the General Assembly after the performance of the chosen techniques has been observed through at least a full year;

() Conduct, or cause to be conducted, a study or project comparing different techniques for stream bank stabilization and debris removal in streams in western Middle Tennessee to be done as soon as possible, either in conjunction with the project mentioned in the previous subdivision, or separately;

() Develop a program of public education regarding simple, practical and affordable techniques for cleaning debris from streams and for stabilizing stream banks including field examples of activities permissible without permits and activities that may be accomplished if permits are obtained;

() Produce a video by not later than January 1, 1999, that shows the above examples, explains the requirements of the law and rules for these activities including the process of applying for a permit, and tells who to call for further assistance, which shall be distributed at no cost to public libraries and agricultural extension services;

SECTION 3. Tennessee Code Annotated, Title 67, Chapter 3, Part 1, is amended by adding the following as a new section:

Section _____. There is hereby created an advisory committee to the Division of Water Pollution Control to advise and assist the division on procedures and policies concerning the application of the Water Quality Control Act to the removal of debris from streams and stabilization of stream banks. The members of the committee shall serve without compensation and shall be appointed by the commissioner to include representatives from local government, farmers, the Natural Resource Conservation Service, the University of Tennessee Agricultural Extension Service, and environmental groups. Meetings of this committee shall be held in counties with a large number of situations where these activities are needed.

SECTION 4. Tennessee Code Annotated, Section 69-3-108, is amended by adding the following new subsections:

() The following activities do not require a permit under this section:

(1) the removal of downed trees by dragging or winching and without grading or reshaping of the stream channel;


(2) the placement of downed trees on stream banks for erosion protection; and

(3) the planting of vegetation on stream banks.

() Unless the applicant agrees otherwise, when an individual landowner applies for a permit for debris removal or stream bank stabilization activities, the commissioner shall either issue or deny the permit or take action scheduling a public hearing on the application within sixty (60) days of receipt of a complete application; provided further, however, that staff of the division will communicate orally or in writing to the applicant within fifteen (15) days of receipt of any such application.


SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

PASSED: March 18, 1998

APPROVED this 25th day of March 1998


DON PERDUE, GOVERNOR